

Notice of Allowability

Application No.

09/955,877

Examiner

Patricia A Patten

Applicant(s)

SHALABY ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/26/04.
2. ☒ The allowed claim(s) is/are 21,22 and 35.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>4/14/04</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>1/26/04</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiner's Amendment

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, It MUST be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment with regard to claim amendments was given in a telephone interview with Attorney Rochelle K. Seide on 4/14/04.

IN THE CLAIMS:

Cancel claims 19, 23 and 34.

Add the following new claim:

--35. A method for treating a viral infection, comprising administering to a subject in need thereof, an effective amount of a primary herbal composition comprising:

(a) an extract from the leaves or seed of *Sesbania aegyptiaca* (sesban) in an amount of about 6% by weight;

(b) an extract of seed of *Nigella sativa* in an amount of about 23% by weight, an extract of the shoot of *Cichorium intybus* (pumilum) in an

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amount of about 6% by weight, an extract of *Cymbopogon proximus* in an amount of about 7% by weight, an extract of the rhizome of *Hemidesmus indicus* in an amount of about 2% by weight, an extract of the leaves of *Solenostema argel* in an amount of about 4% by weight and an extract of the rhizome of *Rheum officinale* in an amount of about 2% by weight and an extract of the fruit of *Ecballium elaterium*; and

(c) an extract of the seed of *Foeniculum vulgare* in an amount of about 24% by weight, an extract of the shoot of *Centaureum erythrae* (spicatum or pulchellum) in an amount of about 11% by weight, an extract of the flowers, leaves or stem of *Cynara cardunculus* var *scolymus* in an amount of about 7% by weight, an extract of the root of *Inula helenium* (viscosa) in an amount of about 6% by weight and an extract of the seed of *Cuminum cyminum* in an amount of about 2% by weight,

wherein the viral infection is selected from the group consisting of hepatitis B virus infection, hepatitis C virus infection,, and a combined hepatitis B virus and hepatitis C virus infection. --.

Claim 21, replace 'claim 19' with – claim 35 --.

Claims 21, 22 and 35 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia A Patten whose telephone number is (571) 272-0968. The examiner can normally be reached from 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on (571) 272-0968. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia A Patten
Examiner
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4/14/04



**PATRICIA PATTEN
PATENT EXAMINER**